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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,518	01/24/2002	Kevin Ray	KPG-5044US	3061

7590

06/23/2003

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P.O. Box 7228  
Wilmington, DE 19803

EXAMINER

CHACKO DAVIS, DABORAH

ART UNIT

PAPER NUMBER

1756

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application N .

10/057,518

Applicant(s)

RAY ET AL.

Examiner

Daborah Chacko-Davis

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 9-13, 19-23, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0819985 (Van Damme et al).

Van Damme, on page 2, lines 57-58, and on page 3, lines 1-9, and on page 6, lines 12-13, discloses a method of forming an image comprising imaging (image-wise exposing) an imageable element to form imaged regions and unimaged region in the imaging element, wherein the imaging element is imaged with UV or IR light or by heating the imageable element, heating the exposed imaging element, and developing the imaged layer with an aqueous developer until the non-imaged areas are removed.

Van Damme, on page 2, lines 55-58, on page 3, lines 1-2, and lines 28-48, and on page 5, lines 29-36, discloses that the imaging element comprises a substrate (lithographic base) with a hydrophilic surface, and a radiation-sensitive imageable layer over the hydrophilic surface, wherein the imageable layer composition comprises a latent Bronsted acid, a water-soluble binder (hydrophilic binder), and an acid-activated cross-linking agent (amino crosslinking agent) (claims 1, 23, and 26). Van Damme, on page 3, lines 54-55, discloses that the latent Bronsted acid is an onium salt (claims 9, and

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19). Van Damme, on page 3, lines 54-55, discloses that the latent Bronsted acid is a diazonium salt (claims 10, and 20). Van Damme, on page 3, lines 41-44, discloses that the acid-activated cross-linking agent is a melamine resin (claims 11-12, and 21-22). Van Damme, on page 3, lines 13-15, and lines 22-23, and lines 28-31, discloses that the imaging layer comprises a photothermal conversion material (acid catalyzed chemical amplification due to heating, and exposure to IR decomposes the Bronsted acid), and that the imaging layer is imageable with UV, IR and heat (claim 13).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-8, 14-18, 24-25, and 27-28, are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0819985 (Van Damme et al) in view of U. S. Patent No. 4,425,405 (Murakami et al)

Van Damme is discussed in paragraph no. 2.

Van Damme, on page 5, lines 29-36, discloses that the imageable composition comprises a hydrophilic binder such as hydrophilic copolymers (claims 2, and 14). Van Damme, on page 3, lines 54-55, discloses that the latent Bronsted acid is an onium salt (claims 3, and 15). Van Damme, on page 3, lines 54-55, discloses that the latent Bronsted acid is a diazonium salt (claims 4, 16, 25, and 28). Van Damme, on page 3,

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lines 22-24, and lines 41-44, discloses that the acid-activated cross-linking agent (acid catalyzed) is a melamine resin (claims 5, 17, 24, and 27). Van Damme, on page 3, line 6, discloses that the imaging element is exposed with UV radiation (claim 6). Van Damme, on page 3, lines 13-15, and lines 22-23, and lines 28-31, discloses that the imaging layer comprises a photothermal conversion material (acid catalyzed chemical amplification due to heating, and exposure to IR decomposes the Bronsted acid), and that the imaging layer is imageable with UV, IR and heat (claims 7-8). Van Damme, on page 4, lines 12-17, discloses that the onium salt is 2-methoxy-4-aminophenyl diazonium hexafluorophosphate (claim 18).

The difference between the claims and Van Damme is that Van Damme does not disclose that the water-soluble copolymer employed is vinylpyrrolidone/vinyl acetate.

Murakami, in col 3, lines 23-36, discloses the use of water-soluble vinylpyrrolidone/vinyl acetate copolymer as a binder.

Therefore, it would be obvious to a skilled artisan to modify Van Damme by employing the water soluble binder suggested by Murakami as the hydrophilic binder in the imageable composition because Murakami, in col 3, lines 23-36, discloses that the vinylpyrrolidone/vinyl acetate copolymer composition is an adhesive and has film-forming properties and can be used in lithographic printing.

### ***Conclusion***

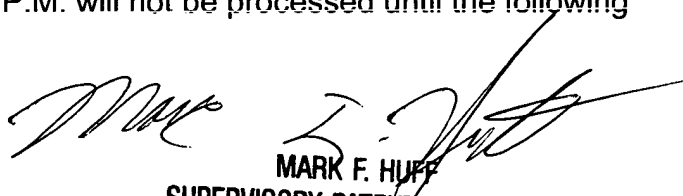
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daborah Chacko-Davis whose telephone number is

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(703) 306-5923. If the examiner is unavailable, you may contact her supervisor, Mark F. Huff at (703) 308-2464. FAX communications should be sent to the appropriate FAX number; (703) 872-9311 for After Final Responses only or (703) 872-9310 for all other responses. FAXES received after 4:00 P.M. will not be processed until the following business day.

dcd

June 17, 2003.

  
MARK F. HUFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700